



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Laura L. Mahan et al.	Examiner:	Vaughn, G.J.
Application No.:	09/540,756	Art Unit:	2178
Filing Date:	March 31, 2000	Confirmation No.:	3424
		Atty. Docket No.:	27996-232-UTIL
Title:	METHOD, APPARATUS, PROCESSOR-READABLE MEDIA AND SIGNALS FOR ACQUIRING AND PRESENTING ACQUIRED MULTIMEDIA CONTENT		

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

Sir:

I. INTRODUCTION

Appellants submit this Reply Brief in response to the April 17, 2008 Examiner's Answer. This Reply Brief is due on or before June 17, 2008. Appellants have previously paid all the corresponding fees relating to this appeal. No fees are believed due in connection with this submission. However, the Commissioner is authorized to charge any necessary fees that may be due or credit any overpayment to Appellants' Deposit Account No. 50-0311, Reference No. 27996-232-UTIL.

This Reply Brief addresses the following point raised by the Examiner in the April 17, 2008 Examiner's Answer (See, Examiner's Answer, pages 12-13):

(i) Whether "multi-media authoring tool A", "viewer V", "external sources", and "page based document layout system Q" disclosed in U.S. Patent No. 6,081,262 to Gill et al.

(hereinafter, “Gill”) disclose automatic identification of multimedia content subsequent to receiving user selection input while a page with multimedia content is accessed through the a multimedia application as asserted by the Examiner in the April 17, 2008 Examiner’s Answer. (emphasis supplied).

II. ARGUMENT

Appellants reiterate and incorporate herein by reference all of their arguments previously presented in the Appellants’ Appeal Brief, filed February 27, 2007, Appellants’ Amended Appeal Brief, filed May 24, 2007, Appellants’ Twice Amended Appeal Brief, filed October 4, 2007, and Appellants Thrice Amended Appeal Brief, filed January 17, 2008 (hereinafter, “Appellants Appeal Brief”).

(i) Contrary to the Examiner’s assertion in the April 17, 2008 Examiner’s Answer, Gill fails to disclose, teach or suggest, *inter alia*, a method for building a presentation, the method including a step of subsequent to receiving user selection input while the page is accessed through the multimedia content application, automatically identifying multimedia content having a tag by parsing the page, as recited in claim 1.

As previously stated in Appellants’ Appeal Brief, Gill discloses a multi-media presentation generation system that includes a menu driven multi-media presentation generation system. (Gill, Col. 5, lines 10-12). Gill’s system further includes page based document layout system Q that has a page layout capability allowing a user to define a workspace of predetermined physical extent, where the workspace is divided by the user into a plurality of objects. (Gill, Col. 5, lines 27-32). Gill allows the user to define the content and function of each of these workspaces individually as well as their integration with the other objects in the workspace to form the entirety of presentation. (Gill, Col. 5, lines 37-40). Gill partitions an

underlying page using a menu based system into a plurality of boxes that can be edited by the user. (Gill, Col. 6, lines 23-27). Gill discloses usage of an existing library of documents and arranging them on a presentation page, where the documents can be obtained from a plurality of sources. (Gill, Col. 6, lines 2-8). Gill's user arranges these documents into boxes using menu-driven system on the presentation layout page. Gill teaches a system that uses a page based print document layout paradigm to regulate the spatial relationship among the plurality of objects contained within the multi-media presentation. (Gill, Col. 3, lines 21-24). Gill's system enables its users to take existing documents prepared for a print medium and convert them to multi-media presentations. (Gill, Col. 4, lines 35-37). Gill's users define the content and function of each of workspaces individually and integrate them in the workspace to form the presentation. (Gill, Col. 5, lines 37-40). Gill discloses that information for inclusion in a presentation can be "downloaded from external sources...such as Internet S4" (Gill, Col. 5, line 65 to Col. 6, line 8).

According to MPEP 2131:

TO ANTICIPATE A CLAIM, THE REFERENCE **MUST TEACH**
EVERY ELEMENT OF THE CLAIM

"A claim is anticipated **only if each and every element** as set forth in the claim **is found**, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (emphasis supplied).

Contrary to the Examiner's suggestion in the Final Office Action or in the Examiner's Answer, Gill fails to teach each and every element of claim 1. Gill fails to disclose, *inter alia*, subsequent to receiving user selection input while the page is accessed through the multimedia content application, automatically identifying multimedia content having a tag by parsing the page, as recited in claim 1. Instead, Gill's multimedia presentation generation system uses a multi-medial authoring tool for merging dynamic and static objects that are selected. The objects

are merged using final multi-media presentation page and various regulation menus. (Gill, Col. 3, line 56 to Col. 4, line 2). Gill's presentation can be divided into many components and information can be downloaded as needed using multimedia authoring tool A, where the information transmitted includes a copy of the viewer process V that enables the user to run the presentation. The viewer V translates the multi-media into images for display. (Gill, Col. 14, lines 20-33). Thus, viewer V fails to perform simultaneous (as defined by the "while" term) access and identify functions of the present invention. Further, Gill's multi-media authoring tool A transmits some objects separately. (Gill, Col. 14, lines 45-48). Gill's authoring tool A gathers the information by querying the page based document layout system Q to locate presentation based multi-media information, where the data is identified by tags. (Gill, Col. 15, lines 45-53). This is contrary to the present invention, where while the page is being accessed by the multimedia content application, the multimedia content is identified based on the received user selection input. (emphasis supplied). Thus, Gill's viewer V and multimedia authoring tool A provides the user with multi-medial-to-image conversion and viewing and content selection capabilities, but fail to perform the simultaneous (i.e., as recited by the "while" term) dual functions of "accessing" and "automatically identifying" of the present invention.

Hence, the Examiner's assertion that Gill discloses all elements of claim 1 is contrary to the requirements of MPEP 2131. As such, Gill clearly fails to disclose, teach or suggest the above elements of claim 1. Thus, for the reasons stated above and in the Appellants' Appeal Brief, Gill fails to anticipate claims 1-3, 6-8, 14-19, 22-26, 33, 35, and 37-40. Additionally, Gill either alone or in combination with U.S. Patent No. 6,128,655 to Fields et al. fails to render claims 4-5, 20-21, 34, 36, and 42 obvious.

III. CONCLUSION

For the reasons presented in this Reply Brief and in the Appellants' Appeal Brief, Appellants respectfully submit that the claimed inventions are novel and non-obvious over the cited prior art. Accordingly, Appellants request the Board reverse the Examiner's rejections.

Respectfully submitted,



Dated: June 16, 2008

Boris A. Matvenko, Reg. No. 48,165
Attorney/Agent for Applicants
MINTZ LEVIN COHN FERRIS, *et al.*
666 Third Avenue - 24th Floor
New York, New York 10017
Telephone: (212) 935-3000
Telefax: (212) 983-3115

4357427v.1